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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS; APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Colorado; Oregon; Minnesota; Springfield, Massachusetts; Transportation Control Plans

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Colorado Transportation Control Plan

The Governor of the State of Colorado originally submitted the "State of Colorado Air Pollution Control Transportation and Land Use Plan" on June 4, 1973. Hearings were held by the State on this plan on January 19, 1973. On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit ordered EPA to approve or disapprove state plans no later than June 15, 1973. Further, a period of public comment was required after receiving the plan before EPA could approve Colorado's plan. Accordingly, EPA had to publish notice of disapproval of the plan in the June 22, 1973, FEDERAL REGISTER. This disapproval was based only upon the lack of timely submittal.

A review of the Colorado plan revealed several deficiencies and EPA requested supplemental information. This supplemental information was submitted by the Governor on July 16, 1973.

The Colorado plan and supplemental information are for the most part approvable as specified below, and the State of Colorado should be commended on its efforts. However, the unique nature of a city that is more than 5,000 feet above sea level compounded the problems of developing appropriate control strategies.

EPA's review of the plan showed that additional measures were necessary to achieve the national ambient air quality standards for carbon monoxide and photochemical oxidants. These measures were proposed in the August 2, 1973, FEDERAL REGISTER (38 FR 20752).

The EPA held a public hearing on September 10 and 11, 1973, in Denver on the proposed regulations. Written comments have also been received on the Colorado plan and supplemental information.

POLLUTION IN THE METROPOLITAN DENVER REGION

The Metropolitan Denver Region lies within the South Platte River drainage basin. Pollution problems associated with motor-vehicle-generated carbon monoxide and photochemical oxidants (hydrocarbons) occur during periods of stable atmospheric conditions with light winds. The South Platte River flows from southwest to northeast through the center of Denver, with land elevation generally decreasing toward the northeast. The mountains rise to about 8,000 feet above sea level to the west and 6,000 to 7,000 feet to the southwest. This topographic pattern results in downslope or drainage winds from the south through the southwest during the night and into the morning hours. As daytime heating takes effect, upslope or toward-the-mountains wind flow occurs. Sometimes this wind flow covers a considerably wider range from north-northeast to south-southeast. This local wind regime is strongest when the general weather situation is quiet and under the influence of a week pressure gradient.

The second highest 1-hour average concentration of oxidants recorded in the Metropolitan Denver Air Quality Control Region (AQCR) for the base year 1971 was 0.18 ppm. Using the relationship between hydrocarbon emissions and ambient photochemical oxidant concentration, as defined in Appendix J, 40 CFR Part 51, a 60-percent reduction from 1971 hydrocarbon emissions is required to meet the national standard of 0.08 ppm.

The second highest 1-hour and 8-hour carbon monoxide concentrations were recorded in 1971 in the Metropolitan Denver AQCR. The concentrations were 51.0 ppm and 24.7 ppm, respectively. Control measures adequate to ensure meeting the 8-hour carbon monoxide standard will also ensure meeting the 1-hour carbon monoxide standard. Utilizing a proportional rollback technique, a 64 percent reduction from 1971 carbon monoxide emissions is required to meet the national 8-hour standard of 9 ppm.

The above concentrations were recorded at the CAMP station located in downtown Denver. While this was the only station in operation during 1971, EPA feels the location is representative of the maximum concentrations occurring in the AQCR. There are now 5 additional monitoring stations in operation in the Denver area. If these stations indicate higher levels than the CAMP station, revision of the transportation control plan will be required.

The best information available to the Administrator indicates that the anticipated decrease in motor vehicle emissions as a result of the Federal Motor Vehicle Control Program (FMVCP) will be insufficient to permit meeting the national ambient air quality standards in the Denver area by May 31, 1975. Stationary sources of hydrocarbons contribute significantly to the photochemical oxidant problem in the Metropolitan Denver AQCR, and control of these sources will contribute to the necessary emissions reductions for hydrocarbons. The balance of reduction necessary as well as reductions in carbon monoxide will come from controls on mobile source emissions.

SUMMARY OF STATE PLAN

Of the strategies listed below, the first three were proposed in the original Colorado transportation control plan submitted on June 4, 1973. The second three were proposed in the submittal of supplemental information on July 16, 1973. The strategies are:

(1) Semiannual inspection and maintenance program using the idle test mode to be fully implemented by December 1, 1975.

(2) Air bleed retrofit for pre-1968 vehicles to be fully implemented by July 1, 1976.

(3) High altitude modification and tuning specifications for 1968–1975 vehicles to be fully implemented by July 1, 1976. The following strategies are to be implemented by December 1, 1974:

(4) Designation of mandatory bus/carpool lanes.

(5) Limitation on the construction of future parking facilities.

(6) Removal of on-street parking in the Central Business District (CBD).

The State of Colorado has also included improvements in public transit and expanded bikeway development and use to reduce the number of vehicle miles traveled (VMT). On the other hand, the State has eliminated gasoline rationing as a control strategy in favor of the latter three listed strategies.

The Administrator has reviewed the control strategies submitted and finds them adequate with the exceptions noted below. Regulations are promulgated in this notice to alleviate these deficiencies. An evaluation report, which provides the rationale for approving portions of the State's implementation plan, is available for public inspection at the Office of Public Affairs, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, and at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

EPA finds the first three strategies above to be approvable.

The second three strategies are designed to reduce vehicle miles of travel in the Region. The State has submitted proposed regulations for these measures, together with a timetable for adoption. These proposals are similar to those that have been proposed by EPA in other areas. EPA is approving these strategies since transportation controls can be submitted in proposed form (40 CFR 51.22) and since EPA considers the measures as effective and enforceable components of the VMT reduction plans.

In its plan, the State of Colorado proposed regulations for the control of stationary hydrocarbon emissions. Only transportation and land use control plans (or strategies) may be submitted in proposed form (40 CFR 51.22). EPA, therefore, must disapprove this strategy. Stationary hydrocarbon regulations, which were proposed in the August 2, 1973, FEDERAL REGISTER, are being promulgated by the Administrator.

The State has since adopted stationary hydrocarbon emission control regulations, and plans to submit them as plan revisions. If, after reviewing the regulations and any public comments, the Administrator finds they are approvable in whole or in part, any duplicated stationary hydrocarbon emission control regulations promulgated herein will be withdrawn or modified.

The State plan does not demonstrate that the standards will be attained by May 31, 1977; and EPA's evaluation is that additional reductions are necessary. EPA accordingly is promulgating gasoline sales limitations, as a means of assuring attainment of the standards in 1977, as required by the statute.

EXTENSIONS

Section 110(e) of the Clean Air Act provides that an extension of up to 2 years in the time allotted a State for

achieving any given primary standard in any air quality control region may be granted under certain conditions. The Governor of Colorado requested such an extension and, in addition, the Administrator proposed an extension in the August 2, 1973, FEDERAL REGISTER. An extension may be granted if certain elements of the control strategies necessary to control certain sources will not be available by 1975; if there are no alternatives that will be available by 1975; if the plan provides for the application, as soon as is practicable, of all reasonably available measures for reducing emissions from these sources; and if all strategies in the plan for the control of other sources will be applied by May 31, 1975.

Several strategies included in the plan submitted by the State of Colorado and those promulgated by EPA, designed to achieve standards by May 31, 1975, cannot be implemented by that date. They are, with their dates of implementation:

(a) Semiannual inspection and maintenance program using the idle test mode to be fully implemented by December 1, 1975.

(b) Air bleed retrofit for pre-1968 vehicles to be fully implemented by July 1, 1976.

(c) High altitude modification and tuning specifications for 1968–1975 vehicles to be fully implemented by July 1, 1976.

(d) Reductions in VMT greater than those envisioned by the State plan, including a gasoline sales limitation to take effect May 31, 1977.

(e) Gasoline marketing vapor recovery to be implemented by May 31, 1977.

Also, the Administrator has determined that if EPA were to implement a semiannual inspection/maintenance program, the first cycle could not be completed before December 1, 1975, and that installation of the airbleed-to-intake-manifold device and high altitude efficiency modification could not be completed before August 1, 1976. Explanation for the timetables of availability for each of these measures can be found in the general preamble to this promulgation. There are no alternatives to these strategies which could be applied before 1977. No further measures to reduce VMT can be considered reasonably available as interim measures due to excessive social and economic impact as well as administrative impossibilities.

EPA's proposed gasoline sales limitation received many comments indicating that such a measure would be unreasonable from a social and economic standpoint. The cost of administering the limitation and the economic effect on commercial establishments were cited. The adverse effect of the gasoline shortage (which was more critical in Colorado than elsewhere) this summer on the tourist industry was cited by many. Although the shortage was apparent only in the Denver area, tourism in the entire State was drastically affected. Many comments indicated that sales limitation on gasoline in the Denver Region would have the same impact statewide. Even environmental groups in the Denver area stated that a gasoline sales limitation should be used only as a last resort, to be implemented only after all other measures have been applied and fall short of attaining the standard. It is, however, required as a necessary strategy for final attainment of the standard because, at that point under the statute, the "reasonableness" criterion is not a determining factor. Stationary hydrocarbon sources, except for gasoline marketing sources, will be in compliance by May 31, 1975.

As requested by the Governor of Colorado and as the EPA proposal suggested, an extension of time until May 31, 1977, is granted in which to achieve the ambient air quality standards.

EPA REGULATIONS

A gasoline sales limitation is promulgated to take effect in 1977 to assure that the standard will be attained. However, implementation of this strategy to account for a significant VMT reduction might not be necessary. The required VMT reduction may be achieved by the State through other means such as mass transit improvements or additional strategies submitted by the State, or such a large VMT reduction may prove to be unnecessary. The alternative strategies for 1977 would probably require more capital expenditure than gas limitation and would require even more lead time.

Limited use license plates and catalytic converter retrofits were suggested as alternatives to the gasoline limitation in the EPA proposal, but the Administrator has determined that these strategies are not available alternatives. In addition, they received little favorable comment at the public hearing. The State is currently testing vehicles equipped with catalytic converters, and may propose the inclusion of this strategy if it proves successful. If this strategy is formally submitted by the State and demonstration of attainment of the standards is included, the gasoline sales limitation regulation for 1977 or portions thereof, may be withdrawn.

EPA's gasoline sales limitation regulation requires the State to calculate the effect of its transportation control plan on air quality on the basis of data collected during fiscal year 1976. The extent of any gasoline sales limitation is contingent upon this determination. Further, the implementation plan reporting process requires the States to submit semi-anually data indicating source compliance with the control requirements. Those reports will include data indicating progress being made toward achievement of the VMT reduction specified in the State plan.

The stationary source hydrocarbon regulations promulgated herein control hydrocarbon emissions from a variety of sources. The regulations limit emissions in the areas of transportation, manufacturing, and processing. Regulations are also provided for control of gasoline sales and marketing operations. Controls for paint and varnish manufacturing which were covered under a separate regulation in the proposal, are included in the regulation on organic solvent usage.

Several written comments were also received concerning the proposed regulation for degreasing operations. The comments questioned the necessity of banning particular solvents, and suggested that the alternative of controlling emissions from the solvents currently in use should be allowed. The proposed regulation was changed to allow control as an alternative to banning certain solvents.

SUMMARY OF THE TRANSPORTATION CONTROL PLAN

Table I summarizes the Colorado and EPA control strategy effects in tons per year of carbon monoxide and hydrocarbons in the demonstration areas listed in the Colorado plan. The demonstration areas are the CBD for carbon monoxide emissions and Denver and Adams Counties for emissions of hydrocarbons.

TABLE I.—*Compilation of control strategy effects on carbon monoxide and hydrocarbon emissions*

[Tons per year]

Control strategy	Emission reduction in addition to the Federal motor vehicle control program (FMVCP)							
	Carbon monoxide (core area)				Hydrocarbons (Denver and Adams Counties)			
	1971	1975	1976	1977	1971	1975	1976	1977
State strategies:								
1. Inspection/maintenance			4,314	4,022			1,179	1,086
2. Air bleed (pre-1968)			3,138	2,194			58	407
3. High altitude modification (1968–74)			6,275	512			1,326	1,086
4. VMT reductions		2,894	2,591	3,076		1,513	1,796	2,146
a. Bus/carpool lanes.								
b. Parking lot construction limitation.								
c. Limitation of on-street parking.								
d. Mass transit improvements.								
EPA proposal:								
5. Stationary hydrocarbon control						5,169	7,755	10,339
6. Gasoline limitation				3,282				2,289
Uncontrolled emissions (includes FMVCP)	52,106	46,483	42,513	37,105	43,307	38,219	35,993	33,445
Total reduction from strategies		2,894	16,318	17,604		6,682	12,645	17,353
Remaining emissions	54,106	43,589	26,195	19,411	43,307	31,537	23,348	16,092
Allowable emissions	19,802	19,802	19,802	19,802	17,378	17,378	17,378	17,378

TABLE II.—*Effect of Colorado and EPA strategies by 1977*

Strategies	Percent reductions from 1971 emissions	
	CO	HC
State strategies:		
1. Federal motor vehicle control program	31	23.0
2. Inspection/maintenance	7	2.5
3. Air bleed	4	1.0
4. High altitude modifications	10	2.5
5. VMT reductions	6	5.0
a. Bus/carpool lanes.		
b. Parking lot construction limitations.		
c. Limitation of on-street parking in the core area.		
d. Mass transit improvements.		
EPA regulations:		
6. Stationary hydrocarbon control		24.0
7. Gasoline limitation	6	5.0
Total reduction	64	63.0
Reduction required	64	60.0

As shown in Tables I and II, the EPA and State regulations ensure attainment of the national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1977. If the reductions for the hardware devices, as determined by actual investigation, are found to be less than those claimed by the State of Colorado, a plan revision will be necessary to implement strategies to compensate for the loss.

The strategies and listed reductions in the above tables represent a dynamic plan. As the date base is revised and updated, the numbers shown in these tables may change to reflect more current information.

The table published in the August 2, 1973, FEDERAL REGISTER (38 FR 20754) has been modified as to the number of tons per year emission reduction applied to individual strategies. The total reductions necessary are unchanged, but an error was made in apportioning emissions between individual strategies. Table I in this promulgation reflects the correct apportionment of emission reductions for each strategy. Table II shows the effect of the State and EPA strategies as a percent reduction from 1971 emissions in 1977.

The emission reductions in Tables I and II were calculated from a report done under contract for EPA by TRW, Inc. The reductions are explained in the Evaluation Report. The TRW report is part of the technical support document for this notice which is available for public inspection at the Office of Public Affairs, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, and at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The TRW report shows that a 31 percent reduction is required in VMT to meet the national ambient standards for CO and oxidants (hydrocarbons). The TRW report also shows that 20 percent of the VMT in 1977 are growth from 1971 levels.

The VMT reduction measures, strategy 5 in Table II, are estimated by EPA to provide a 15 percent VMT reduction from projected 1977 levels, or a 6-percent reduction of CO emissions and a 5-percent reduction of hydrocarbon emissions from 1971 levels for all sources. The rationale for deriving these reductions is provided in the Evaluation Report.

The parking lot construction regulation, measure 5.b., alone could have more than the effect of stopping new VMT growth because land now used for parking will be converted to other uses through urban renewal. The effect in the central business district of measure 5.b. will be much greater because this is where most of the conversion of parking lots to other uses will occur. Measure 5.c., elimination of on-street parking in the core area, will have little effect because there is very little of such parking now. Measure 5.a., bus/carpool lanes will increase the benefits of mass transit improvements by providing for decreased trip time for transit; and the measure will make auto travel more difficult.

If the effect of these VMT reduction measures is less than the estimated 15 percent reduction, the effect of measure 7 in Table II will have to be increased. It is now assumed that the gasoline limitation will provide a 16-percent reduction in vehicle miles traveled in 1977.

IMPACT OF THE PLAN

There will be some direct costs of the implementation of this plan. The costs of the Inspection/Maintenance program and the retrofit devices could be borne by individuals or it could be distributed across the AQCR population by requiring increased registration fees. These decisions are left to the State. Some adjustment in travel patterns will be required with the imposition of the VMT reducing measures. It is expected, however, that these effects will be temporary and that the mobility of the population will be increased rather than decreased due largely to the upgrading of mass transit service. There may be some costs associated with the temporary inconvenience during the travel pattern adjustment period. Some roads will undoubtedly be more congested since in some cases bus lanes will be taken from existing roadways. This congestion will lessen with the passage of time as the shift is made to mass transit. The same temporary inconvenience may be felt due to the rush hour parking ban.

All of these costs and inconveniences should not outweigh the benefits accrued from cleaner air in the Denver region. The high levels of pollutants now registered in Denver do exceed the standards set by EPA for protection of health. The primary benefit of the plan should be to eliminate any adverse effects from the high levels of pollution.

In addition to this primary benefit, the ultimate increased mobility of the population should improve and enhance the living standard and lifestyles of Denver residents, but from an economic and a social standpoint. In conjunction with the increased mobility due to increased transit usage, a significant decrease in the use of gasoline by the population should occur providing another positive benefit.

On September 7, 1973, the people of the Denver area approved a plan and funding for the Regional Transportation District (RTD). RTD will provide for expanded mass transportation, which is greatly needed. However, as presently conceived, the RTD will provide for far less than the projected 31-percent VMT reduction that must be provided by 1977. The RTD plan should be amended to provide for as much of the 31-percent VMT reduction as possible. If this is done, it is possible that the gasoline limitation in 1977 may not be required. Hence, the people of the Denver area will be able to enjoy both the clean air and mobility they require.

This notice of final rulemaking is issued under the authority of sections 110 (c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c-5(c) and 1857g).

Dated October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. Section 52.320 is amended by revising paragraph (c) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 14, and March 20, 1972;

(2) May 1, 1972, by the Colorado Air Pollution Control Commission;

(3) May 1, 1972, by the Colorado Air Pollution Control Division, and

(4) June 4, 1973, and July 16, 1973.

2. Section 52.322 is amended by adding paragraph (b) as follows:

§ 52.322 Extension.

* * * * *

(b) The Administrator hereby extends until May 31, 1977, the attainment date for the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Denver Intrastate Air Quality Control Region.

§ 52.325 [Amended]

3. In § 52.325, the attainment date table is revised by replacing the date "May 31, 1975,e" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region with the date "May 31, 1977," and by deleting footnote "e."

4. Section 52.326 is amended by revising paragraph (a) as follows:

§ 52.326 Transportation and land use controls.

(a) To complete the requirements of § 51.11(b) of this part, the Governor of Colorado must submit to the Administrator:

(1) No later than July 1, 1974, the legislative authority necessary for carrying out control measures for which full authority does not yet exist, namely inspection/maintenance air bleed retrofit,

and high-altitude modification, specified on pages 7–13 and 7–14 of the plan submitted June 4, 1973, and in the supplemental submission of July 16, 1973.

(2) No later than January 31, 1974, the adopted regulations and administrative policies necessary for carrying out the control measures for which the State now has legal authority, namely the designation of bus/carpool lanes, the limitation of constructing parking facilities, and the restriction of on-street parking, specified in the supplemental submission of July 16, 1973.

(3) No later than September 1, 1974, the adopted regulations and administrative policies necessary for carrying out any control measure for which the State must submit legal authority in accordance with paragraph (a)(1) of this section.

§ 52.327 [Renumbered]

5. Section 52.327, added to Subpart G on June 22, 1973 (38 FR 16564) is renumbered as § 52.328, so as not to conflict with another § 52.327 entitled "Compliance Schedules," added on June 20, 1973. In addition, this § 52.328 is revised to read as follows:

§ 52.328 Control Strategy: Photochemical oxidants (hydrocarbons) and carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the Metropolitan Denver Intrastate Air Quality Control Region by May 31, 1977.

6. Subpart G is amended by adding §§ 52.329 through 52.339 to read as follows:

§ 52.329 Rules and regulations.

(a) The requirements of § 51.22 are not met since regulations for the control of stationary hydrocarbon regulations necessary for the attainment of the national standards for photochemical oxidants have not been submitted or adopted.

§ 52.330 Gasoline limitations.

(a) Definitions:

(1) "Distributor" means any person or entity that transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(2) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable within the Metropolitan Denver Intrastate Air Quality Control Region (hereafter referred to as the Region) to all distributors of gasoline to any retail outlet in the Region, and to the owners and operators of all retail outlets in the Region.

(c) If the Administrator determines, on the basis of air quality monitoring in the Region, that the national ambient air quality standards for carbon monoxide and photochemical oxidants will not be attained in the Region by May 31, 1977, the Administrator shall implement a program, to be effective no later than May 31, 1977, limiting the total gallonage of gasoline delivered to retail outlets to that amount which, when combusted, will not result in such ambient air quality standards being exceeded.

(d) All distributors to which this section applies shall provide the Administrator with a detailed annual accounting of the amount of gasoline delivered to each retail outlet in the region for calendar year 1976, and for each calendar year during which the gasoline limitation program is in effect. The owner or operator of each retail outlet to which this section applies shall provide the Administrator with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year, for each year during which the gasoline limitation program is in effect. All accountings required by this section shall be provided no later than 90 days after the end of the applicable year. The Administrator may require any other reports that he may deem necessary for the implementation of this section.

§ 52.331 Control of dry cleaning solvent evaporation.

(a) "Drycleaning operation" means that process by which an organic solvent, as defined in § 52.333(k), is used in the commercial cleaning of garments and other fabric materials.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall operate a dry cleaning operation using other than perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent, except that dry cleaning operations emitting less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirements of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide. Compliance with this requirement shall be in accordance with the provisions of § 52.338.

(e) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents as defined by § 52.333(1) no later than January 31, 1974, or by controlling emission as required by paragraphs (c) and (d) of this section in accordance with the requirements of § 52.338.

§ 52.332 Degreasing operations.

(a) "Degreasing" means the operation of using an organic solvent as a surface cleaning agent.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall use for degreasing any organic solvent other than 1,1,1-trichloroethane, perchloroethylene, or saturated halogenated hydrocarbons after January 31, 1974, unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent overall.

(d) Degreasing operations emitting less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(e) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide. Compliance with this paragraph shall be in accordance with the provisions of § 52.338.

(f) Any owner or operator of a stationary source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of any organic solvent other than 1,1,1-trichloroethane, percloroethylene, or saturated halogenated hydrocarbons no later than January 31, 1974, or by controlling emissions as required by paragraphs (c) and (e) of this section in accordance with the requirements of § 52.338.

§ 52.333 Organic solvent usage.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraphs (b) through (i) of this section shall be in accordance with the provisions of § 52.338.

(b) No person shall discharge more than 15 pounds of organic materials into the atmosphere in any one day nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment, or other contrivance have been reduced by at least 85 percent overall.

(c) No person shall discharge more than 40 pounds of organic material into the atmosphere in any one day or more than 8 pounds in any one hour from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (b) of this section for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in paragraph (1) of this section, or material containing such solvent, unless all organic materials discharged from such article, machine, equipment, or other contrivance have been reduced by at least 85 percent overall.

(d) Any series of articles, machines, equipment, or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which

is subjected to any combination of operations described in paragraphs (b) and (c) of this section involving any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, shall be subject to compliance with paragraph (c) of this section. Where only non-photochemically reactive solvents or materials containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment, or other contrivances involves operations described in paragraph (b) of this section, said portions shall be collectively subject to compliance with paragraph (b) of this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in paragraph (l) of this section, of any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section.

(f) Emissions of organic materials into the atmosphere as a result of continuous drying of products during the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be controlled by:

(1) Incineration: *Provided*, That 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide,

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods described in paragraphs (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(j) The provisions of this section shall not apply to:

(1) The manufacture, transport, or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons, 1,1,1-trichloroethane, or perchloroethylene.

(4) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents,

(ii) The organic solvents comprise not not more than 20 percent by volume of said volatile content,

(iii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material,

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section,

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material,

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(k) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(l) For the purposes of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(m) Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(n) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(o) This section shall be effective on the date of its adoption for any article, machine, equipment, or other contrivance not then completed and put into service. As for all other articles, machines, equipment, or other contrivances, compliance shall be required in accordance with § 52.338.

(p) A person shall not, after May 31, 1975, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day nor more than 450 pounds in any one hour from any article, machine, equipment, or other contrivance in which any non-photochemically reactive solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

§ 52.334 Storage of petroleum products.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.338.

(b) No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute (psia) or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all

times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order, and in operation:

(1) A floating roof, consisting of a pontoon type or double deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is approved by the Administrator.

§ 52.335 Organic liquid loading.

(a) "Loading facility" means any aggregation or combination of organic liquid loading equipment which is both possessed by one person and located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraphs (b) through (d) of this section shall be in accordance with the provisions of § 52.338.

(c) No person shall load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system, or its equivalent, approved by the Administrator.

(d) Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(e) The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(1) An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(2) A vapor handling system which directs all vapors to a fuel gas system.

(3) Other equipment of equal efficiency provided such equipment is approved by the Administrator.

(f) This section shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

§ 52.336 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily added on to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.337.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of this paragraph (c) shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule:

(1) *February 1, 1974.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) *May 1, 1974.* Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) *February 1, 1975.* Initiate on-site construction or installation of emission control equipment.

(4) *February 1, 1976.* Complete on-site construction or installation of emission control equipment.

(5) *March 1, 1976.* Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by December 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this regulation which installs a storage tank after the effective date of this regulation shall comply with the requirements of paragraph (c) of this section by March 1, 1976. Any facility subject to this regulation which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) at the time of installation.

§ 52.337 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.336(c) can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing a system required by paragraph (c).

(g) Compliance schedule:

(1) *February 1, 1974.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) *June 1, 1974.* Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) *January 1, 1975.* Initiate on-site construction or installation of emission control equipment.

(4) *May 1, 1977.* Complete on-site construction or installation of emission control equipment or process modification.

(5) *May 31, 1977.* Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by December 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this regulation which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of paragraph (c) of this section by May 31, 1977. Any facility subject to this regulation which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.338 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.331, 52.332, 52.333, 52.334, and 52.335 shall comply with the compliance schedule in paragraph (b) of this section.

(b) Compliance schedule:

(1) *December 17, 1973.* Submit to the Administrator a final control plan, which describes, at a minimum, the steps which will be taken by the source to achieve compliance with the sections cited in paragraph (a) of this section.

(2) *February 16, 1974.* Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) *July 1, 1974.* Initiate on-site construction or installation of emission control equipment or process modification.

(4) *May 1, 1975.* Complete on-site construction or installation of emission control equipment or process modification.

(5) *May 31, 1975.* Assure final compliance with the sections cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with the regulations cited in paragraph (a) of this section and which has certified such compliance to the Administrator by December 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and appoved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

§ 52.339 Monitoring transportation controls.

(a) This section is applicable to the Metropolitan Denver Intrastate Region.

(b) The State of Colorado, or a designated agency approved by the Administrator, shall monitor the transportation control measures approved for the State's implementation plan as follows:

(1) The actual per vehicle emission reductions occurring as a result of:

(i) Inspection/maintenance;

(ii) Airbleed (pre-1968 light-duty vehicles); and

(iii) High altitude modification (1968–1974 light-duty vehicles).

(2) The observed changes in vehicle miles traveled (VMT) and average vehicle speeds as a result of:

(i) Bus/carpool lanes;

(ii) Parking lot construction limitation;

(iii) Limitation of on-street parking; and

(iv) Mass transit improvements.

(c) No later than January 15, 1974, the State shall submit to the Administrator a detailed program demonstrating compliance with paragraph (b) of this section and in accordance with § 51.19(d) of this chapter. The program description shall include the following:

(1) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(2) The administrative process to be used.

(3) A description of the methods to be used to collect the vehicle emission reductions, and changes in VMT and average vehicle speed, including a description of any modeling techniques to be employed.

(4) The funding requirements, including a signed statement from the Governor or the State Treasurer or their respective designees identifying the source and amount of funds for the program.

(d) No later than February 15, 1974, the Administrator will approve or disapprove the proposed monitoring program.

(e) All data collected as a result of the monitoring program shall be submitted to the Administrator on a semiannual basis beginning August 15, 1974. The data shall be submitted in a format similar to that presented in Appendix M to Part 51 of this chapter.

[FR Doc.73-23189 Filed 11-6-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Oregon Transportation Control Plan

On October 26, 1972, the State of Oregon submitted to EPA a transportation control strategy to attain the national standards for carbon monoxide and photochemical oxidants by May 31, 1975, in the Oregon portion of the Portland Interstate Air Quality Control Region. On December 20, 1972, the State was notified by EPA of certain deficiencies to be corrected in the submitted plan before it could be approved by EPA.

On April 13, 1973, the State of Oregon submitted to EPA the Portland Transportation Control Strategy for the Oregon portion of the Interstate Region. On June 4, 1973, the Environmental Quality Commission formally adopted the plan following a public hearing on May 29, 1973. Based on his review of this transportation control plan and the comment submitted in response to the announcement in 38 FR 16561, on June 22, 1973, the Administrator found the Oregon submission to be adequate, with certain exceptions, for attainment of the national ambient air quality standards for carbon monoxide and photochemical oxidants.

On August 2, 1973, the Administrator published proposed regulations to supplement the approved State-adopted measures. On September 5, 1973, EPA held a public hearing in Portland, Oregon, on the proposed Federal regulations.

On September 21, 1973, the Governor formally submitted a request for extension to May 31, 1976, of the attainment date for both carbon monoxide and photochemical oxidants; other supplemental information was submitted on August 20, 1973, by the Department of Environmental Quality following action by the State of Oregon Emergency Board. All supplemental material is available along with the plan at the Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Air Pollution in Oregon Portion of Portland Interstate Region

The Oregon portion of the Portland Interstate Region encompasses the counties of Columbia, Washington, Multnomah, Yamhill, Polk, Marion, Benton, Linn, and Lane. The Region lies between the low Coast Mountain Range to the west and the Cascade Mountain Range to the east and contains three major urban areas. Portland, the largest city in the Region, is situated in a bowl at the confluence of the Willamette and Columbia Rivers. The topographical and climatological features of the Portland area contribute to the accumulation of air pollution.

Portland is the only area in the Region experiencing levels of carbon monoxide and photochemical oxidants exceeding national ambient air quality standard. The highest 8-hour carbon monoxide concentration recorded in Portland in 1970 was 30 parts per million (ppm)—the second highest 8-hour reading was 23 ppm—compared with an 8-hour national ambient air quality standard of 9 ppm (10 milligrams per cubic meter) not to be exceeded more than once per year. The rollback from the second highest 8-hour reading is 60 percent. The highest 1-hour concentration recorded in Portland in 1970 was 26 ppm compared with a national standard of 35 ppm (40 milligrams per cubic meter), not to be exceeded more than once per year. The 1-hour standard is not being exceeded.

The maximum 1-hour photochemical oxidant concentration recorded in Portland in 1970 was 0.14 ppm, compared with a 1-hour national ambient air quality standard of 0.08 ppm (160 micrograms per cubic meter), not to be exceeded more than once per year. The rollback required from the highest reading is 43 percent. The measures to achieve attainment of the 8-hour carbon monoxide standard will ensure attainment of the 1-hour standard for photochemical oxidants. (See Technical Support Document).

Summary of State Transportation Control Plan

The measures adopted by the State for implementation in the Oregon portion of the Portland Interstate Region and submitted to EPA on April 13, 1973, and supplemented on August 20 and September 21, 1973, include: (1) Public transportation improvements; (2) traffic flow improvements with contingency provisions, including alternation of the hours for loading and servicing to off-peak times; (3) reorganization and management of parking; (4) annual inspection to determine emissions from and maintenance required for gasoline-powered vehicles; and (5) an air bleed to intake manifold retrofit program.

In developing the transportation control strategy it submitted, the State used a proportional (linear rollback) model to establish the maximum emission densities allowable if the 8-hour national ambient air quality standard for carbon monoxide is to be attained and maintained in the Oregon portion of the Portland Interstate Region. The reductions in motor vehicle carbon monoxide emissions necessary to attain the ambient carbon monoxide standard by 1975 were determined by forecasting the emission densities for that year and subtracting the allowable emission densities for each measure.

For the purposes of the analysis, traffic speeds and volumes were determined for the metropolitan Portland area. Estimates of 1975 emissions were calculated for selected grid cells having high traffic densities and congested traffic flow. Based on these calculations, the State determined that the only grid cells where the 8-hour ambient carbon monoxide standard will be exceeded in 1975 are in the central business district of Portland.

The State calculations claim the emission reductions needed in the Portland central business district can be achieved by combining the measures of increased transit patronage, traffic signal optimization, removal of selected on-street parking, and inspection/maintenance of gasoline-powered vehicles.

The emission reductions claimed by the State to result from the inspection/maintenance measures are considered by the Administrator to be somewhat high. In addition, it is believed that the State-claimed reductions for the traffic flow improvement package, consisting of traffic signal optimization and removal of selected on-street parking, are optimistic compared to the best information EPA possesses at this time and will not result in the anticipated emission reductions. The State did not supply estimates of the reductions that are estimated to occur from implementation of their adopted retrofit program.

EPA has recalculated, using current emission factors, which take into account the interim-1975 motor vehicle emission standards and an 8-hour time base, the effect of each of the State-adopted measures comprising the Portland Transportation Control Strategy. These effects for one of the critical grid cells within the Portland central business district are summarized in Table 1. The emission density forecast for 1975, taking the effect of the Federal standards for new cars into account, is 38,685 grams per 8 hours for the selected grid cell. EPA estimates that the 8-hour carbon monoxide standard can be met in the Portland central business district by reducing the emission density to 20,488 grams per grid per 8 hours.

TABLE 1.—*EPA compilation of control measure effects of the State strategy for the sample analysis grid cell*[1] *by May 31, 1975 and 1976, Portland central business district*

[g/grid-8 hr]

1975 CARBON MONOXIDE REDUCTIONS	
Motor vehicle emissions, 1975 forecast	38,685
Parking management	−1,116
Increased transit patronage	−2,254
Traffic flow improvements	−5,650
Inspection/maintenance	−2,865
Total reduction	−11,885
Motor vehicle emissions remaining	26,800
1976 CARBON MONOXIDE REDUCTIONS	
Motor vehicle emissions, 1976 forecast	[2] 20,951
Air bleed retrofit pre-1968 light-duty vehicles	−1,676
Motor vehicle emissions remaining	19,275
Maximum emissions allowable to attain standard	20,488

[1] Forth, Washington, and Alder grid cell.

[2] Includes the effect of the FMVCP and 1975 strategies (Evaluation Report).

NOTE.—Table does not include FMVCP.

ANALYSIS OF STATE PLAN

The transit improvement plan developed includes elements such as timely acquisition of new buses, construction and operation of suburban park-and-ride stations with exclusive bus lanes and/or express buses, development of supplemental park-and-ride stations using existing parking lots, and creation of a transit mall in the Portland central business district. Service improvements and an aggressive marketing program will be used to attempt to induce new ridership.

The State proposes to implement traffic flow improvements in the Portland central business district through a computerized traffic signalization system and through removal of on-street parking on selected streets. If further steps are needed to improve traffic flow or to maintain the flow improvements achieved through the computerized traffic signalization system and removal of on-street parking, the State will implement other measures including prohibiting turns into pedestrian crosswalks and altering servicing and loading hours.

To implement the reorganization and management of parking, the State has determined the maximum allowable parking spaces for each land use and planning zone for new developments in downtown Portland. The Portland City Council, by ordinance, removed the minimum off-street parking requirements for new development in the downtown area. The State will continue to take an aggressive posture in the review and approval of new parking facility applications.

The State intends to limit the requirement for gasoline-powered motor vehicle inspection to vehicles registered in three of the Oregon counties in the Portland metropolitan area (Clackamas, Multnomah, and Washington). The emission inspection will be performed using loaded (dynamometer) emissions tests at inspection stations that are either State-owned or privately operated under State supervision.

If the emission reductions forecast by the State to result from the inspection and maintenance program are not achieved, the State will require a program of retrofitting pre-1968 vehicles. The issuance of specific criteria for approval of and designation of vehicle classes subject to air bleed to intake manifold retrofit requirements is timed to correspond with the results obtained from the EPA retrofit evaluation, but will be implemented by no later than May 1976.

The Portland transportation control plan, as supplemented, is approved in its entirety. However, EPA does not agree with the emission reductions claimed by the State and has recalculated anticipated emission reductions achievable from implementation and enforcement of the State-adopted plan. EPA has determined that the State-adopted measures, with corresponding emission reductions calculated by EPA, are reasonable and will assure attainment and maintenance of national standards by 1976. Therefore, it is not necessary for the Administrator to promulgate measures to supplement the State-adopted plan. A 10-percent reduction in VMT is expected as a result of the plan. The Department of Environmental Quality possesses adequate legal authority to implement the transit and/or traffic flow improvement program should the designated local agency fail to implement its program.

IMPLEMENTATION SCHEDULE

The timetables for implementation of the measures are reasonable. The transit and traffic flow improvement programs have been initiated and many facets will be complete by the end of this year. The parking management program is ongoing. The inspection/maintenance program has been funded and the Department of Environmental Quality still anticipates the inspection program to be initiated by May 31, 1974. The retrofit program will be initiated 1 year later. The timetable for implementing the inspection/maintenance and retrofit programs is consistent with national EPA policy.

PUBLIC COMMENTS

Substantial public comment was received on the EPA-proposed transportation control measures and several alternative measures were suggested at the EPA-sponsored public hearing in Portland, Oregon, on September 5, 1975.

Most of the groups and individuals present believed that the Oregon State Transportation Control Plan was adequate to attain national air quality standards. Comment was given on the anticipated adverse impacts from the EPA-proposed measures. The daylight delivery ban measures would cause disruption of industrial activity and would be an incentive for urban sprawl according to one testifier. Concern for accidents in the exclusive bus/carpool lanes was expressed. Alternative measures suggested included computer carpooling, freeway ramp monitoring with control of ingress, a more restrictive parking management program, a parking surcharge and exclusive bicycle lanes. The effectiveness of an inspection/maintenance program and the traffic flow improvements program, as calculated by the State and EPA, was questioned.

With submittal of the retrofit program, EPA agrees that the State-proposed measures will be adequate if completely implemented. However, the effectiveness of the various measures will be continually reevaluated to ensure attainment of standards as expeditiously as practicable. The Administrator requests the State of Oregon to submit on a semiannual basis information on traffic volumes and vehicle miles traveled within the Portland central business district. Within 30 days of approval of the State plan, the State is requested to report to the Administrator the existing number of on-street and off-street parking spaces within the Portland central business district. The semiannual report should indicate any changes in the number of spaces. If the parking management program does not achieve the emission reduction and changes in modal split expected, the Administrator will require that a more restrictive parking management program be implemented. The State is requested to address the effectiveness of the inspection/maintenance program in its semiannual report. The concerns raised by written comment have been addressed above. Although EPA is withdrawing its proposal, EPA still believes that some form of these measures may be useful to the State of Oregon as voluntary or supplemental measures. The EPA is encouraged that a voluntary program of staggering delivery hours, a computer car pooling program, freeway ramp monitoring, and some exclusive bus lanes are being considered for the Portland area.

BASIS FOR EMISSION REDUCTIONS

The basis for the projection of 1975 emissions and the emission reduction required was discussed above. Detailed calculations are included in section 7 of the Oregon State Transportation Control Plan.

The reduction attributed to increased transit partonage is based on the assumption of a 50 percent increase over the 1970 patronage to and from downtown Portland and the implementation of a downtown loop shuttle service by 1975. The transit improvement plan includes elements such as acquisition of new buses, construction and operation of suburban park-and-ride stations with exclusive bus lanes and/or express buses, development of supplemental park-and-ride stations using existing parking lots, and creation of a transit mall in the Portland central business district. In addition, service improvements and an aggressive marketing program will be used to attempt to induce new ridership.

Reductions due to traffic flow improvements assume an average speed increase of 3 miles per hour. Improvements to be made include a computerized signalization system and removal of on-street parking on selected streets.

If further steps are needed to improve traffic flow or to maintain the flow improvements achieved through the computerized traffic signalization system and removal of on-street parking, the State will implement other measures including prohibiting turns into pedestrian crosswalks and altering servicing and loading hours.

The parking management program was included in State calculations as a part of the emission reduction resulting from removal of on-street parking and reorganization of the entire parking supply of the Portland central business district. The intent of the program is to stabilize the parking supply in the Portland central business district.

The basis for emission reductions claimed for the loaded dynamometer inspection/maintenance and air bleed to intake manifold retrofit was discussed previously.

IMPACTS

In submitting its Transportation Control Plan, the State noted that the pro-

gram was developed cooperatively with the City of Portland, Tri-County Metropolitan Transit District and the Oregon State Department of Environmental Quality. Considering comments made at the EPA-sponsored public hearing, the State plan is supported by a wide range of citizen groups and governmental bodies. Increased transit patronage, traffic flow improvements, parking management, and other supplemental programs being considered by the State should improve the livability and urban quality of the Portland area with only modest costs and little disruption.

In the inspection/maintenance program and retrofit program, vehicle owners will have to assume directly some of the costs of the inspection, all of the costs of any maintenance required to meet the emission-inspection standards, and all of the costs of the purchase and installation of retrofit devices. If a failure rate of 50 percent is set for the inspection/maintenance program, the annual cost of each vehicle inspected and maintained is estimated to average $15. Owners of light-duty vehicles of model years earlier than 1968 will have to pay approximately $35 to $60 for purchase and installation of an air bleed to intake manifold retrofit device. The costs for inspection of vehicles for emissions, for performing the vehicle maintenance required to meet emission inspection standards, and for purchase and installation of retrofit devices will fall most heavily on low-income people because they will have to spend a larger percentage of their disposable incomes for inspection and any resultant maintenance.

Notification of the Department of Environmental Quality's request for extension of the attainment dates was published in the FEDERAL REGISTER of September 21, 1973 (38 FR 26462–63). The request was also submitted by the Governor on September 21, 1973. A period of public comment has therefore been provided, but the Agency will entertain additional comments for a period of 30 days. The extension is being granted subject to possible reconsideration.

The proposal to add new §§ 52.1979 and 52.1980 to 40 CFR Part 52, published on August 2, 1973 (38 FR 20768–9), is hereby withdrawn.

This notice of final rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c–5(c) and 1857(g)).

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. Section 52.1970 is amended by revising paragraph (c) to read as follows:

§ 52.1970 Identification of Plan.

* * * * *

(c) Supplemental information was submitted on May 3, 1972; October 26, 1972; April 13, 1972; and September 21, 1973, by the governor and on August 10, 1972; February 9, 1973; May 30, 1973; June 8, 22, and 25, 1973; July 17, 1973; and August 3 and 20, 1973, by the Department of Environmental Quality.

§ 52.1973 [Amended]

2. In § 52.1973, the attainment date table is revised by replacing the date "May 31, 1975" for attainment of the national standard for carbon monoxide in the Portland Interstate Air Quality Control Region with the date "May 31, 1976," and by deleting footnote "c".

3. Section 52.1974 is revised to read as follows:

§ 52.1974 Transportation and land use controls.

(a) To complete the requirements of § 51.11(b) of this chapter the Governor of Oregon must submit to the Administrator no later than April 1, 1974, the necessary adopted regulations needed to implement the inspection/maintenance and retrofit programs.

§ 52.1976 [Reserved]

4. Section 52.1976 is revoked and reserved.

§ 52.1977 [Reserved]

5. Section 52.1977 is revoked and reserved.

§ 52.1978 [Reserved]

6. Section 52.1978 is revoked and reserved.

7. A new section, § 52.1981, is added to read as follows:

§ 52.1981 Extension.

(a) The Administrator hereby extends for 12 months the attainment date for the national standards for carbon monoxide in the Portland Interstate Air Quality Control Region.

[FR Doc.73–23190 Filed 11–6–73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts, Springfield: Transportation Control Plan

On March 20, 1973 (38 FR 7327), the Administrator notified the Governor of Massachusetts that a transportation control plan must be submitted by April 15, 1973, for the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region (hereafter referred to as the "Interstate Region"). No plan was submitted, and the Administrator proposed a plan for the Interstate Region on July 2, 1973 (38 FR 17689). A public hearing was held in Springfield at the Springfield Technical Community College on July 23, 1973.

AIR POLLUTION IN THE MASSACHUSETTS PORTION OF THE HARTFORD-NEW HAVEN-SPRINGFIELD INTERSTATE AIR QUALITY CONTROL REGION

The Massachusetts portion of the Hartford-New Haven-Springfield Air Quality Control Region conforms with the boundaries of the Massachusetts Pioneer Valley Air Pollution Control District.

The Region of densest motor vehicle travel is located along the Connecticut River. The western boundary of the Interstate Region is delineated by the Berkshire Mountains and the eastern border by hilly, rolling country. Although not an entrapped geographical region like Los Angeles, the area is characterized by a definite north-south channel along the river valley. The control strategies proposed herein for this Region are directed at reducing carbon monoxide emissions from motor vehicles in the Springfield downtown area.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 parts per million (ppm)), average for a 1-hour period not to be exceeded more than once per year. The highest recorded concentration of oxidants in the Interstate Region was 0.095 ppm, which was reached in Springfield in June 1972. The second highest recorded level was 0.060 ppm, reached in July 1972. Based on these levels and on the expected reduction in hydrocarbon emissions from motor vehicles resulting from the on-going Federal Motor Vehicle Pollution Control Program (FMVPCP), it has been determined that ambient concentrations of oxidants in the Interstate Region will not exceed the national standards by May 31, 1975, and that no strategies are required.

The primary national ambient air quality standards for carbon monoxide (CO) are 35 ppm average for 1 hour and 9 ppm average for 8 hours, each to be exceeded no more than once per year.

Carbon monoxide concentrations measured in downtown Springfield have not exceeded the 1-hour average, but the 8-hour average was exceeded 268 times from January through November 1972. The highest recorded concentration was 21.3 ppm which occurred in January 1972; and the second highest was 20.9 ppm, which occurred on the same day. Studies have indicated that the density of carbon monoxide emissions from motor vehicles falls off sharply outside the Springfield downtown area and that other sources of carbon monoxide are negligible. On this basis, it has been determined that the high ambient CO concentrations measured are localized within an area slightly less than 1 square mile (Zones 1 and 2 combined; see Table 1) in the Springfield downtown area, bounded approximately by the Connecticut River on the west, Lyman Street to the north, Maple Street to the east, and Washington Street and Summer Avenue to the south. This area includes a length of Interstate 91, the traffic on which makes a significant contribution to total emissions in the area.

There was one monitoring site for carbon monoxide in the Interstate Region. Based on the second highest reading of 20.9 ppm the linear rollback model indicates 57 percent and 39 percent reductions of carbon monoxide emissions are required in Zones 1 and 2, respectively, to attain the 8-hour carbon monoxide

ambient air quality standard. The baseline (1972) carbon monoxide emissions of 8,531 kg/day (Zone 1) and 12,922 kg/day (Zone 2) must be reduced to 3,674 kg/day and 7,900 kg/day, respectively, in order to attain the carbon monoxide ambient air quality standard. Although the emissions would increase due to growth, if there were no controls, the ongoing FMVPCP will reduce baseline Zone 1 emissions to 7,138 kg/day and Zone 2 emissions to 12,328 kg/day by 1975.

The ambient concentrations of carbon monoxide in the other areas of the Interstate Region either now meet the 8 hour, 9 ppm standard, or will do so by May 31, 1975, as a result of the anticipated decrease in motor vehicle carbon monoxide emissions resulting from the ongoing Federal Motor Vehicle Pollution Control Program.

In order to attain the standards, however, it will be necessary to reduce projected total emissions of carbon monoxide in the downtown Springfield area by an additional 3,464 kg/day (Zone 1) and 4,428 kg/day (Zone 2), (approximately 49 percent in Zone 1 and 36 percent in Zone 2). Table 1 summarizes the required reductions in quantitative terms.

TABLE 1—*Summary of emission projections for carbon monoxide* [1]

[Kilograms per day]

	Zone 1 (0.298 mi²)	Zone 2 (0.639 mi²)
Base year 1972	8,531	12,922
May 31, 1975, with existing regulations	7,138	12,328
Allowable to meet standards	3,674	7,900
Necessary reduction from May 31, 1975, projection	3,464	4,428
Percent	48.5	36

[1] Zones 1 and 2 are defined in the Technical Support Document and in the regulations.

EPA TRANSPORTATION CONTROL PLAN

Summary. Since the requirements for additional emission reductions are not unduly severe, the Administrator has had freedom to choose from a variety of control measures on the basis of their cost-effectiveness and their impact on other aspects of life in the Springfield area. The measures that follow have been chosen, insofar as possible, to be consistent with the expressed policies and preferences of the Governor of the Commonwealth and the City of Springfield as well as public comments received through the public hearing process.

Emission control alternatives. The emissions of carbon monoxide in the Springfield area of the Interstate Region come almost entirely from motor vehicle sources, so that the reductions required beyond those provided by the Federal Motor Vehicle Pollution Control Program will need to be effected by transportation controls that reduce total motor vehicle emissions.

Transportation control alternatives. There are two general types of transportation control available, those that effect emission reductions by reducing the average emissions from a vehicle-mile of travel (VMT), and those that effect reductions by reducing VMT, that is, by reducing the total amount of vehicle usage. It is the expressed policy of the Governor of Massachusetts to discourage continued heavy reliance on the automobile for urban core travel by encouraging increased transit usage and by other means. The Bureau of Air Quality Control has also expressed a desire to avoid the use of the most costly of the vehicle emission reduction controls.

Consequently, the Administrator has selected, insofar as possible, those VMT-reducing controls that can have their impact within the time frame of the May 31, 1975, target date, in order to lay a firm foundation for the Commonwealth's ongoing program to maintain the standards and in order to hold to a minimum the need for vehicle-emission controls for the general population of vehicles in the Interstate Region.

Proposed reductions in VMT. Since the carbon monoxide problem is concentrated in a relatively small area, the VMT-reducing controls that are directed at limiting traffic in this area are particularly appropriate.

The regulations impose stringent controls on commuter parking in downtown Springfield, including the banning of on-street parking between the hours of 7 a.m. and 10 a.m. on weekdays and the imposition of 25 cents/hour surcharge on off-street parking from 7 a.m. to 7 p.m. on weekdays with exemptions for handicapped persons, disabled veterans, and persons parking less than 3 hours. As a result of these measures, there will be a substantial reduction in the number of commuter trips made into the downtown area. There will also be an improvement in traffic flow and a reduction in collector and local circulation. The implementation of the on-street parking ban shall be phased in commencing June 30, 1974, with final compliance prior to March 1, 1975. The parking surcharge shall be effective prior to May 31, 1975.

In addition, the regulations require the installation of a metering system for the downtown ramps of Interstate 91 in conjunction with a traffic-responsive, digital-computer-controlled signal system. These measures will improve traffic flow and increase capacity but, because of the inherent programming capacity of the system, VMT will also be reduced. This program shall be implemented prior to May 31, 1975.

Finally, the regulations will provide for the closing of Main Street in Springfield to all traffic (except mass transit and loading vehicles), from the railroad overpass at the north to State Street at the south. They will also provide for the closing off of major streets within this section of Main Street to create large blocks. The final compliance of this requirement shall occur prior to May 31, 1975.

A computer carpool matching system shall be developed by the Commonwealth prior to March 1, 1975.

The Administrator recognizes that in addition to the restraints on vehicle usage, there must be adequate alternative transportation and/or fringe parking facilities if the controls are, in fact, to have a beneficial effect rather than become a burden. The Administrator is not promulgating regulations to specifically assure such alternatives and facilities because it appears that the best alternatives are not appropriately established by Federal regulation. However, the Administrator strongly urges the Commonwealth to adopt the following measures in order to alleviate the impact of the promulgated control strategies and to provide adequate other means of transportation so as not to decrease mobility in the Region.

1. Mass transit improvements are essential to ensure effective functioning of all VMT reducing strategies and land use controls. Consequently, a new fleet of air ride buses is necessary to replace the present outmoded fleet.

2. A downtown shuttle bus system should be provided from the proposed free fringe parking areas into the central business district from the railroad-bus terminal complex.

3. Connecting express bus service between the central business district and the following fringe parking areas should also be implemented as soon as possible: The Eastern States Fairground, the Forrest Park area, the Springfield Plaza Shopping Center and the Eastfield Mall. It is anticipated that the proposed restraints will prompt a variety of private decisions relative to work hours, carpooling, and similar matters that will operate to ameliorate the adverse impact of the restraints. Similarly, it is anticipated that the closing of Main Street will provide the opportunity for the implementation of a pedestrian shopping mall.

The transportation control strategies of the July 2 proposal have been modified to the extent possible in compliance with the public comments received. The $4 surcharge has been replaced with a 25 cents/hour surcharge applicable from 7 a.m. to 7 p.m. weekdays with exemptions for persons parking less than 3 hours and provisions that the surcharge shall not exceed $1.50. Any fringe parking facilities should be free of charge. The closing of Main Street has been modified to allow the use of public transit in addition to loading vehicles. The on-street parking ban from 6 a.m. to 6 p.m. has been modified to 7 a.m. to 10 a.m. weekdays. In addition, a computer carpool program, which was not a part of the July 2, 1973 proposal, is required in the final plan

Proposed controls on mobile source emissions. All light- and medium-duty, gasoline-powered vehicles registered within the Interstate Region will be required to be inspected semiannually using a loaded-mode emission test, a relatively inexpensive testing procedure. Vehicle owners will be required to obtain any maintenance necessary to ensure that all pollution control devices on the vericle work properly and that the vehicle operates at low pollution levels.

The July 2, 1973, proposals required only an annual idle-mode inspection and maintenance program. The loaded-mode test will provide greater reductions for the Interstate Region.

Findings. The Administrator is granting an extension of 14 months for the implementation of the idle-mode inspection and maintenance control strategy.

Accordingly, the Administrator has reviewed possible interim measures in lieu of the inspection and maintenance program. It does not appear that any further reductions can be attained through more stringent controls of vehicle miles of travel. The suggested controls on downtown Springfield are the most stringent reasonably available at this time. Alternatively, restricting travel of Route I–91 was considered, but there are sufficient questions on the negative impact of this action on persons residing near the diversion highway that this alternative was eliminated. Review of possible mobile source emission controls available indicated that the only possible measures not already scheduled for implementation that could be imposed in the 1975–1976 time frame is vacuum spark advance disconnect retrofit device. This control device is only applicable to pre-1968 vehicles and would have to be implemented throughout the entire air quality control region to be effective. Even if imposed, this control device would not be adequate to allow the attainment of the standards before May 31, 1977. The Administrator believes that to impose these less adequate controls on the entire region as an interim measure to achieve reductions of CO in a one-square-mile zone is economically unjustified.

Summary of effects of transportation controls. Table 2 is a summary of the effects of each element of the proposed strategy on the overall reduction necessary. The uncontrolled emissions within Zone 1 in 1975 are estimated at 7,132 kg/day, whereas the total allowable emissions if the 8-hour, 9 ppm standard is to be met are 3,660 kg/day. All calculations are based on the second highest recorded 8-hour average of 20.9 ppm, which occurred in Zone 1 in 1972. The proposed strategies will result in proportional reductions of emissions in Zone 2 of the downtown area, which will be adequate to meet the standards in Zone 2.

TABLE 2—*Compilation of effects of control strategy, May 31, 1976 (Zone 1)*

[Kilograms per day]

	Carbon monoxide emissions	
	1975	1977
Emissions from transportation sources	7,138	6,226
Expected reductions:		
(a) Parking restrictions, traffic flow improvements, closing of streets	−2,166	−1,808
(b) Inspection and maintenance		−729
Total reductions	−2,166	−2,537
Emissions remaining	4,972	3,689
Emissions allowable to meet standards	3,674	3,674

Basis for emission reductions. Additional technical information is contained in "Technical Support Document of the Transportation Control Strategy for the Massachusetts Portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region." This document is available from the Environmental Protection Agency, Region I Office, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Economic and social impact of transportation control plan. Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A thorough and quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible because of lack of time and the innate complexity of the issues. The following discussion is an effort to outline generally the type of impacts that would occur.

Because it is not possible to effect sufficient reductions to meet the standards by VMT controls alone, all the possible combinations of controls that were considered included an inspection and maintenance program. The combination proposed requires the least possible expenditure by the individual light-duty vehicle owner. The probable annual cost of the required inspection should be about $5, with an additional $15 to $25 cost required if maintenance is needed; the maintenance is of course desirable on its own merit, and thus is not viewed as a serious burden.

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the reduction in VMT required. Since the degree of restriction is relatively small, it is expected that the principal effects will be more a matter of social adjustments than of serious economic consequences. This is contingent upon the continued availability of adequate mass transit capacity; this capacity will be strained, particularly during peak periods, for the initial time before other ameliorating private readjustments occur. However, if a new fleet of air ride bus system is purchased to replace the present out-moded fleet, if a downtown shuttle bus system is provided from the proposed fringe parking areas into the central business district, and if connecting express bus service between the central business district and the fringe parking areas is provided, the impact will be substantially diminished.

The combined effects of these proposed regulations, together with the Massachusetts Implementation Plan, will eliminate the danger to human health and welfare that exists in the Springfield area of the Interstate Region as the result of air pollution. They may, however, have adverse economic and social impacts, and the Administrator will make every effort possible to mitigate the effects of this final promulgation. He will be in contact with the Department of Transportation and other Federal departments and agencies as necessary. The Administrator will request that the Federal departments and agencies give special attention to the need for funding to provide adequate mass transit to replace the automobile travel eliminated by the proposed controls.

In addition to attaining clean air in Springfield, there will be considerable reduction in traffic congestion and noise in the city. The mandatory inspection and maintenance program will require vehicles that are incorrectly tuned to be corrected therefore eradicating unnecessary fuel loss. Finally, mass transit facilities within the City of Springfield will be expedited by the additional funding provided by the surcharge revenues. This plan will improve significantly the public's health and will serve to provide the long-term environmental and transportation goals of the Interstate Region.

PUBLIC COMMENTS

The Administrator has developed the plan to be as responsive as possible to the needs of the Interstate Region; he therefore obtained the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Interstate Region through the public hearing process.

Comments pertaining to the other measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control measures were also solicited and received at the hearings. Some comments have already been discussed. In addition, a number of other comments are worth stating.

The general consensus of the public was that the goal of attaining clean air is valid. However, there was some disagreement on several of the specific strategies proposed for attaining the standards.

The business interests testifying at the hearing generally expressed the belief that the proposal if implemented would cause serious economic dislocations in the City of Springfield. The remainder of the public commenting at the hearing generally supported the proposal.

The strategies that received the severest criticisms were: The $4 surcharge applicable to vehicles parked during the hours of 6 a.m. to 10 a.m. weekdays; and the closing off of a section of Main Street to form a vehicle free zone.

Finally, many comments called for positive inducements of voluntary actions for attaining emission reductions.

This rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c-5(c) and 1857g)

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Subpart W is amended by adding §§ 52.1148 through 52.1155 as follows:

§ 52.1148 Definitions for the purpose of §§ 52.1149 through 52.1155.

(a) "Register," as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(b) "Interstate Region" means the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region as defined in § 81.19 of this title.

(c) "Off-street parking facility" means any facility, building, structure, or lot, or portion thereof used primarily for temporary storage of motor vehicles.

(d) "Zone 1" means that portion of the City of Springfield, Massachusetts contained within the following boundaries: The Connecticut River on the west; the railroad track on the north (near Lyman Street); Chestnut and Maple Streets on the east; and Stockbridge and Bliss Streets on the south. Where a street or a roadway is a boundary, the entire right-of-way of the street is within Zone 1 as here defined.

(e) "Zone 2" means that portion of the City of Springfield, Massachusetts contained within the following boundaries: The Connecticut River on the west; Bliss and Stockbridge Streets on the north; Maple, Pine, Windsor, Knox, Mill, and Dickinson Streets on the east; Woodside Terrace, Forrest Park Avenue, Leete Street, and Longhill Street on the south. Where a street or roadway is a boundary, the entire right-of-way of the street is within Zone 2 as here defined.

§ 52.1149 Regulation limiting on-street parking.

(a) "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops at or before intersections and as caution and safety require) whether or not a person remains in the vehicle and all such stops when the driver does not remain in the vehicle.

(b) Commencing on or before July 1, 1974, the Commonwealth of Massachusetts and the City of Springfield and any political subdivisions or administrative bodies of either having jurisdiction over any streets, highways, or roadways within Zone 1, shall adopt all necessary administrative and enforcement procedures to effect a prohibition of on-street parking within Zone 1 between the hours of 7 a.m. and 10 a.m. except on Saturdays, Sundays, and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than $50 and removal of the offending vehicle. The limitation on on-street parking shall be conducted in a phased-in manner to be completed by March 1, 1975. Each such governmental entity shall at a minimum eliminate 33⅓ percent of currently existing on-street parking during the hours specified by September 30, 1974; 66⅔ percent by December 31, 1974; and 100 percent by March 1, 1975.

(c) Exceptions to this regulation shall be granted for vehicles owned by residents of Zone 1 that are parked near the owner's residence, providing such on-street parking is in compliance with existing parking regulations of the City and Commonwealth. Exemptions of vehicles owned or operated by handicapped persons and disabled veterans (HP and V license plates) may also be granted.

(d) On or after June 30, 1974, no owner of a motor vehicle shall park, or permit the on-street parking of, said vehicle on a street or roadway within Zone 1 except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor of the Commonwealth of Massachusetts, and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section shall, on or before April 15, 1974, submit to the Administrator for his approval, a detailed statement of the legal and administrative steps chosen to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of that paragraph. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section.

(3) The procedures by which each car will be marked so that residential vehicles will be exempt from the 7 a.m. to 10 a.m. ban providing such a vehicle is parked within 0.5 mile of the location specified on the registration of the vehicle.

§ 52.1150 Regulation for parking surcharge.

(a) "Off-street parking means any area or space below, above or at ground level, open or enclosed, which is used for parking one light-duty vehicle at any given time except on any public highway, street, or roadway.

(b) A surcharge of 25¢ per hour shall be applied under conditions as provided in paragraph (c) of this section to any contract or other agreement whereby a motor vehicle is parked in any publicly or privately owned off-street parking facility in the Interstate Region for a fee. Such surcharge shall be collected by the City of Springfield. The net proceeds of the surcharge shall be utilized for mass transit improvements within the Interstate Region.

(c) The surcharge provided for in paragraph (b) of this section shall be applicable commencing May 31, 1975, to all off-street parking spaces in Zones 1 and 2. The surcharge shall be applicable as a minimum between the hours of 7 a.m. and 7 p.m. on days other than Saturdays, Sundays, or legal holidays and the maximum total daily surcharge shall not exceed $1.50. Exemptions from the minimum rates may be given for utilization of off-street parking facilities by handicapped persons and disabled veterans (HP and V license plants). The City of Springfield may at its discretion exempt persons parking at a facility for less than three continuous hours from the surcharge.

(d) If a vehicle is to be stored in an off-street parking space for more than 1 day without leaving said space, the surcharge provided for in paragraph (b) of this section shall apply only to the first day of storage of the vehicle.

(e) Each governmental entity and person owning, controlling, or operating an off-street parking facility within Zones 1 and 2 shall by December 1, 1973, report to the Administrator or his designee the number of motor vehicle parking spaces in each such facility under its ownership or control.

(f) Each such owner or operator of an off-street parking facility subject to the requirement of this section shall submit to the Administrator or his designee prior to December 31, 1973, a detailed compliance schedule showing the steps he will take to collect the surcharge required by paragraph (b) of this section.

(g) Each owner or operator of a parking facility subject to this paragraph shall submit an accounting of the number of parking spaces used during the hours the surcharge is in effect and the funds collected. This accounting shall be made on a quarterly basis to the Administrator or his designee.

§ 52.1151 Regulation for computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons of such lists may be put in contact with each other for the purpose of forming carpools.

(b) This section is applicable in the Interstate Region.

(c) The Commonwealth of Massachusetts shall establish a computer-aided carpool matching system that is conveniently available to the general public and to all employees of employers having more than 50 employees within the Interstate Region who operate light-duty vehicles on streets and highways over which the Commonwealth has ownership or control. Prior to March 1, 1975, the Commonwealth shall submit legally adopted regulations to the EPA establishing such a system. No provisions of such regulations shall have an effective date later than 3 months from the date of adoption. The regulations shall include:

(1) A method of collecting information that will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provision on each application for applicant identification of commuting time, origin, and destination, and the applicant's desire to ride only, drive only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within the Interstate Region; matching applicants with similar origins and destinations travel schedules; and enabling the persons so matched to make contact with each other at the request of any one of them.

(3) A method of providing continuing service such that the matched lists of all applicants are retained and made available for use by new applicants; application forms are currently available; and the master list is periodically updated to remove applicants who no longer meet the governing criteria and add new applicants who do.

(4) Designation of an agency or agencies responsible for operating, overseeing and maintaining the computer carpool matching system.

(d) The Governor of the Commonwealth of Masachusetts shall, on or before April 15, 1974, submit to the Administrator for his approval, a detailed statement of the legal and administrative steps chosen to effect the carpool matching system imposed by this system and a schedule of implementation consistent with the requirements of this section.

§ 52.1152 Regulation for traffic flow improvements.

(a) A traffic-responsive, digital-computer-controlled, traffic signal system shall be installed in the Springfield area encompassing Zones 1 and 2. In conjunction with this system a ramp metering system shall be installed to monitor traffic on an appropriate length of Interstate 91. Those two systems shall function together to improve traffic flow within the Springfield downtown area and also to limit VMT within the area, despite the potential traffic capacity increase provided by the system.

(b) The Governor shall, on or before April 15, 1974, submit to the Administrator for his approval, a detailed statement of the steps chosen to implement the actions in paragraph (a) of this section, and a schedule for such implementation that provides, as a minimum, the following:

(1) A date by which detailed plans will be given to EPA indicating the specific system design selected, including the method planned for use in ramp metering. Such date shall be no later than March 1, 1974.

(2) A date by which equipment necessary to implement this program will be ordered.

(3) A date by which the system will become operational. Such date shall be no later than May 31, 1975.

§ 52.1153 Regulation for street closing.

(a) A section of Main Street located in the downtown area of Springfield shall be permanently closed to all motor vehicular traffic, with the exception of such vehicles deemed by the Governor of the Commonwealth (and approved by the Administrator) as necessary and vital for the essential exchange of goods and services and of mass transit vehicles. The section of Main Street to be closed shall extend from the railroad overpass at the north to State Street at the south. Streets intersecting Main Street at strategic points within the regulated section shall also be closed off where possible and necessary to maximize blocksize. A minimum of 15 block lengths of intersecting streets shall be closed. The precise intersecting streets to be regulated will be determined by the State of Massachusetts and the City of Springfield, subject to approval by the Administrator.

(b) The Governor shall, on or before April 15, 1974, submit to the Administrator for his approval a detailed statement of the steps chosen to effect the actions in paragraph (a) of this section, and a schedule for their implementation that provides for their full effectiveness no later than May 31, 1975.

§ 52.1154 Regulation for semiannual inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6000 lb. GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 pound GVW and less than 10,000 pound GVW.

(4) All other terms used in this paragraph that are defined in Part 51, Appendix N of this chapter, are used herein with the meaning therein defined.

(b) This section is applicable in the Interstate Region.

(c) The Commonwealth of Massachusetts shall establish an inspection and maintenance program applicable to all gasoline-powered, light-duty and medium-duty vehicles registered in the Interstate Region that operate on streets or highways over which it has ownership or control. No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to EPA estabishing such a program. Antique motor vehicles designated by the appropriate state registration procedures shall be exempt from the requirements of this section. The regulation shall include:

(1) Provisions for inspection of all such motor vehicles at periodic intervals at least twice each year by means of a loaded emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 40 percent of the vehicles tested during the first inspection cycle.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against non-complying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement, such as a spot check of idle adjustment, to ensure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing August 1, 1976, the State shall not register or allow to operate on its highways any light-duty vehicle or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing August 1, 1976, no owner of a light-duty vehicle or medium-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The Commonwealth of Massachusetts shall submit, no later than January 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a state-operated inspection and maintenance program pursuant to paragraph (c) of this section, including the text of any needed statutory proposals, and needed regulations that it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend the needed legislation to the State legislature;

(2) The date by which the necessary equipment will be ordered;

(3) A statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation must be submitted.

§ 52.1155 Semiannual and quarterly reports.

(a) All definitions are as used in § 51.19 of this chapter.

(b) This regulation is applicable in the Interstate Region.

(c) The Commonwealth of Massachusetts or an agency designated by the Commonwealth and approved by the Administrator shall monitor the effective emission reductions occurring as a result of the inspection and maintenance program required under § 52.1154.

(d) The data submitted pursuant to paragraph (e) of this section shall be in accordance with § 51.19(d) of this chapter.

(e) No later than May 31, 1974, the State shall submit a detailed program to the Administrator demonstrating compliance with paragraph (c) of this section. The program description shall include the following:

(1) The administrative process to be used.

(2) The funding requirements, including a statement from the Governor or State Treasurer or their respective designees identifying the source and amount of funds for the program.

(3) A description of the methods to be used to collect the data.

(4) An agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(f) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Administrator by the State, as required at § 51.7 of this chapter. The first quarterly report shall cover the period January 1–March 31, 1975.

(g) The Commonwealth of Massachusetts and the City of Springfield shall report to the Administrator semiannually beginning May 15, 1974, the average daily VMT levels and the reduction from current levels of VMT as specified in the Technical Support Document for the Interstate Region.

(h) The VMT levels shall be based on representative traffic counts taken in Zones 1 and 2 of Springfield. The VMT reductions shall be identified for each applicable control measure designed in the State's implementation plan. Such reductions shall be reported in a format similar to that provided in Appendix M to Part 51 of this chapter, June 8, 1973.

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PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Minnesota Transportation Control Plan

On March 20, 1973, by publication in the FEDERAL REGISTER (38 FR 7237) the Administrator notified the Governor of Minnesota that a transportation control plan should be submitted by April 15, 1973, for the Minneapolis-St. Paul Intrastate Air Quality Control Region (the "Region").

No such plan was submitted, and the Administrator therefore disapproved the Minnesota plan for the Region (38 FR 16559, June 22, 1973), and proposed one of his own (38 FR 17699, July 2, 1973). That Notice of Proposed Rulemaking read in part: "If a State plan is submitted and is determined to be approvable prior to Federal promulgation of a plan, contemplated by this notice, these proposed regulations will be withdrawn." A public hearing was held on the EPA proposal on Tuesday, July 24, 1973, and the record was held open for additional public comment until August 2, 1973.

On June 8, 1973, the Governor of Minnesota submitted a transportation control plan for the Region to the Administrator. Receipt of the plan was acknowledged in the FEDERAL REGISTER on July 18, 1973 (38 FR 19132). Following this formal acknowledgment, 21 days were provided for public comment on the Minnesota plan. As a result of both the EPA review of the State plan, and the comments received during the EPA public hearing on the proposed Federal plan, the Administrator is today approving the submitted Minnesota Transportation Plan, revoking the June 22 disapproval notice and withdrawing the Federally proposed plan.

AIR QUALITY AND STATE PLAN

As discussed below, the requirements of the Clean Air Act and of 40 CFR Part 51 are adequately addressed and satisfied in the State plan.

The plan sets forth five major strategies. These are programmed toward a May 31, 1975, achievement date (so identified in the plan). The emission reductions provided should be more than enough to meet the standards by that date, thus providing a safety margin. The strategies have been developed and analyzed using the most up-to-date vehicular emission factor technique.[1] Overall plan development was supervised by a task force comprised of all involved State and local entities. All information pertaining to emissions of carbon monoxide and estimated strategy impact remains available for public perusal.

It is estimated that to achieve the standards an emission reduction of 40 percent will be needed from 1971 levels. This reduction was calculated by applying linear rollback from the national standard level of 9 ppm to the second highest measured 8-hour carbon monoxide average of 15.0 ppm. This value was recorded in 1971 at the downtown Minneapolis site, considered to be the most polluted region based upon topography, vehicular densities, and associated emission densities. Emission densities of all areas within the Region except for the Minneapolis Central Business District (CBD) will be at or below safe emission levels by May 31, 1975, due to the impact of the Federal Motor Vehicle Control Program. In addition to the Federal program, the State has proposed the following strategies be applied in the Minneapolis CBD.

(1) Completion of the I–35W freeway north around the Minneapolis CBD area by May 31, 1975. This has been substantiated by the U.S. Department of Transportation Federal Highway Administration.

(2) Operation of the computerized traffic-management system within the Minneapolis CBD by May 31, 1975, and within the entire city by May 31, 1977.

(3) Construction of parking facilities located at the fringe of the Minneapolis CBD to intercept incoming CBD traffic.

(4) An interim shuttle bus system through mid-1977 to carry commuters from the fringe parking lots into the CBD followed by the eventual implementation by mid-1977 of the fixed elevated guideway people-mover system coupled with the expanded second story inter-building skyway-system. This system is supportive to the fringe parking lots and is presently operational.

(5) Expansion of an express bus system on the I–35 urban corridor through phased purchases of replacement buses from 1973 through 1977.

The above-described control strategy was closely scrutinized with respect to the 1975 achievement date. Analysis indicates that the first two strategies (I–35W completion and installation of the traffic management system) will achieve the required reduction to reach the standards by then. The third strategy (fringe parking) was also analyzed and credited with potential vehicle miles traveled (VMT) reductions, on the basis of the availability of a fixed number of CBD fringe parking structures by mid-1975. The remaining two strategies (people-mover and express bus systems) were considered as merely augmenting the first three strategies with respect to air quality impact because of their inherently long-range implementation schedules. These latter strategies are useful as safety margins and for maintaining the standard once it is achieved. EPA analysis of the control strategy was concentrated on the two major strategies. The expected emission reductions by the projected target date, May 13, 1975, are summarized below:

[1] Revised Gasoline-Powered Motor Vehicle Emission Factors: D. Kircher and D. Armstrong, 1/73 USEPA, North Carolina; also AP–42, 4/73.

TABLE OF CONTROL STRATEGY EFFECTS

Region: Minneapolis CBD.
State: Minnesota.
Pollutant: Carbon monoxide.
Measured Air Quality: 15.0 ppm (8-hr. avg.).
Required rollback: 40 percent (from baseline 1971 emissions).
Attainment: May 31, 1975.
1971 Emissions: 24,784 kg/12 hr. (13,360 tons/year).[1]
1975 Allowable Emissions: 14,900 kg/12 hr. (8,050 tons/year).

Strategy	Carbon monoxide emissions on May 31, 1975			
	Reduction kg/12 hr.	Balance kg/12 hr.	Reduction tons/year	Balance tons/year
1975 baseline emissions		17,486		9,440
CBD fringe parking	200		110	
Completion of I-35W	3,210		1,700	
Implementation of traffic management system (CBD)	2,560		1,380	
Resultant 1975 emissions		11,516		6,250
Total reduction achieved (from 1971 baseline emissions) (percent)	53.5			

[1] (2.4/86)×(tons/year)=kg/24 hr.; (0.75)×(kg/24 hr.)=kg/12 hr.
Therefore: (kg/12 hr.)/(2.4786)×(0.75)=tons/year or (0.54)×(kg/12 hr.)=tons/year.

In approving the strategy utilizing completion of I–35W to remove traffic from the Minneapolis CBD, careful examination was made of the plan's estimate that such completion will result in a 20 percent diminution in cordon crossings within the CBD area. Such a decrease in VMT would have a radical effect on carbon monoxide concentrations in the affected area. The State highway department has provided information regarding the initial impact of a recently opened span of I–35W. Based upon information supplied by the GCA Corporation under EPA contract No. 68–02–0041, sufficient grounds do exist to support the estimate of reduction in cordon crossings.

Because the final link of I–35W is so close to the designated CBD, a Gaussian line-source model was used to estimate the impact of the opening of the road on air quality in the CBD. Results of this in-house study demonstrated a negligible impact upon the air quality. Furthermore, it was found that even if the CBD were expanded to include all parts of I–35W (in effect negating the expected effect of this particular strategem), the necessary reduction to achieve safe emission levels could be made by May 31, 1975, by the other submitted strategies. The Administrator will review updated information regarding origin-destination studies to be conducted by the State within the Minneapolis CBD.

In approving the traffic management system as a strategy to reduce carbon monoxide concentration, the plan's estimate of a 25-percent increase in average vehicle speed resulting from implementation of the system was carefully reviewed because the validity of this estimate is crucial in determining the overall estimated impact on air quality of this strategy.

Although no conclusive supporting evidence exists. EPA has no reason to believe such an increase in vehicle speed will not occur based on the most recent technical information (EPA Contract No. 68–02–0041) available to the Administrator. One positive factor is that the system will eventually encompass the entire city of Minneapolis and therefore will have a favorable impact overall on the CBD. The EPA will review periodic studies conducted by the State on average vehicle speeds within the CBD.

As mentioned before, it is estimated that these two strategies alone will, when implemented, achieve the necessary reduction to meet the standards in May 1975. The fringe parking, shuttle bus, people mover, and express bus systems will provide necessary safety margins.

In evaluating the implementation of the proposed strategies, it is noted that the continuing surveillance of the control strategy which will be conducted by the State will provide the needed data and yardstick for assessing success of implementation. Origin-destination data and average speed data for the Minneapolis CBD are expected to be gathered in a format that will permit ready comparison with the data and assumptions contained in the approved implementation plan.

In addition, a memorandum of intent, outlined in section IV(F) of the plan, is proposed for signature of all parties having a designated role in the plan and is to be submitted by the end of 1973 as an administrative procedure. Its chief significance lies in the acknowledgment by individual parties of their roles and expected dates of achievement.

All legal authority necessary for successful strategy implementation has been adequately identified in section IV(D) of the plan. The primary agencies involved in strategy implementation have been identified in section IV(F) as:

(1) Minnesota Pollution Control Agency.
(2) Minnesota Highway Department.
(3) City of Minneapolis.
(4) Metropolitan Transit Commission.
(5) Metropolitan Council.
(6) City of St. Paul.

The associated responsibilities of each of the above duly authorized agencies are enumerated in section IV of the State plan. Although legal authority for each individual political unit assigned to a role in the overall plan is approvable, it has been noted that the State may be unable to perform those rules assigned to the City of Minneapolis and the Metropolitan Transit Commission and that no adequate back-up strategy has been provided in the plan.

The State has detailed the necessary resource requirements in Appendix G of the plan. Such resources are considered by the Administrator as minimally acceptable levels for State input to the plan.

Information used to reach the conclusions cited above may be found in the Evaluation Report, which is available for inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460, and at the EPA Region V Office, One North Wacker Drive, Chicago, Illinois 60606.

The proposal to add a new § 52.1230 to 40 CFR Part 52, Subpart Y, Inspection and Maintenance of Motor Vehicles, § 52.1231 The Construction Restriction of New Off-Street Parking Facilities, and § 52.1232 The Banning of On-Street Parking within the CBD (38 FR 17701 (July 2, 1973)), is hereby withdrawn.

This notice of final rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c–5(c) and 1857g).

Dated: October 25, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart Y—Minnesota

1. In section 52.1220, paragraph (c) is revised to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 7, March 27, April 28, and May 2, 1972, by the Minnesota Pollution Control Agency,

(2) June 15, 1972, by the Assistant Attorney General,

(3) July 25, 1972,

(4) June 18, 1973, by the Minnesota Pollution Control Agency,

(5) July 30, 1973, by the Metropolitan Transit Commission, and

(6) August 1, 1973, by the Minnesota Department of Highways.

2. In § 52.1227 paragraphs (a)(2) and (a)(3) are revoked and paragraph (a)(1) is revised to read as follows:

§ 52.1227 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Minnesota must submit to the Administrator:

(1) No later than December 30, 1973, the signed memoranda of intent outlined in section IV(F) of the State transportation control plan.

(2) and (3) [Revoked.]

§ 52.1228 [Reserved]

3. Section 52.1228 is revoked and reserved as follows:

[FR Doc.73–23192 Filed 11–6–73;8:45 am]